
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rosario M. DeLaRosa

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been
assigned)

-against-

New York City Department of Education; City of

New York; Yecenia Delarosa, Principal of Gregorio

Luperon High School for Science and Mathematics

Write the full name of each defendant. The names listed
above must be identical to those contained in Section I.

Do you want a jury trial?

☒ Yes ☐ No

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Rosario	M.	DeLaRosa
First Name	Middle Initial	Last Name
P.O. Box 381		
Street Address		
Bergen, Tenafly	NJ	07670
County, City	State	Zip Code
(201) 227 - 1415	miroyadlrs@gmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	New York City Department of Education		
	Name		
	100 Church Street		
	Address where defendant may be served		
	New York, New York	NY	10007
	County, City	State	Zip Code
Defendant 2:	City of New York		
	Name		
	100 Church Street		
	Address where defendant may be served		
	New York, New York	NY	10007
	County, City	State	Zip Code

Defendant 3:

Yencia Delarosa, Principal of Gregorio Luperon High School for Science and Mathematics

Name

501 West 165th Street

Address where defendant may be served

New York, New York

NY

10032

County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:
 Gregorio Luperon High School for Science and Mathematics

Name

501 West 165th Street

Address

New York, New York

NY

10032

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☐ race: _____
- ☐ color: _____
- ☐ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1957

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

See attached factual addendum.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 4/24/20 and 10/19/20

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 2/11/21 and 2/11/21

When did you receive the Notice? 2/14/21 and 2/14/21

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

Monetary damages for emotional distress.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

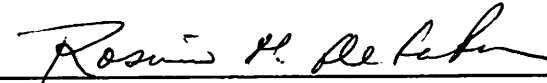
I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

5/4/21

Dated

Rosario



Plaintiff's Signature

DelaRosa

First Name

Middle Initial

Last Name

P.O. Box 381

Street Address

Bergen, Tenafly

NJ

07670

County, City

State

Zip Code

201 227 1415

mireyadlrs@gmail.com

Telephone Number

Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

**ADDENDUM TO FEDERAL COMPLAINT FOR ROSARIO DELAROSA
@ 5/3/21**

1. I have been employed by the NYCDOE since September 1997, originally as a social studies teacher and then as an Assistant Principal.
2. I have been an Assistant Principal since 2004 and became Assistant Principal at Gregorio Luperon High School for Science and Mathematics in September 2005.
3. Principal Yecenia Delarosa became principal of the school on or about November 2016. She is presently about 47 years old.
4. I filed an original SDHR complaint based on age discrimination on or about April 24, 2020 against the NYCDOE and Principal Delarosa.
5. There are presently two other younger Assistant Principals at the school, who are both less than 40 years old--Ms. Jaya Bharne and Ms. Ambar Ventura.
6. Since 2017, Principal Delarosa has been harassing me with insulting emails and text messages.
7. Since September 2018, Principal Delarosa took away my supervisory responsibilities over the math department, the physical education department, and the music and art departments. She also took away the robotics program from me. She only left me supervision over eight teachers at the school.
8. In August 2019, Principal Delarosa took away my College Board supervisory responsibilities and only left me to administer the AP exams and the PSAT exam.
9. On December 11, 2019, Principal Delarosa sent me a letter accusing me of slander, abusing my administrative powers and referred me to a therapist. She also accused me of using the school's cameras to check on teachers, which I did not do, and of being responsible for allowing an intruder into the school building.
10. During the first parents' association meeting, she introduced "her team" to the parents, I was present at the meeting but did not include me as part of her team. During a month period she did not talk to me at all, even when I addressed her.
11. On April 9, 2020, Principal Delarosa sent me a threatening email accusing me of not timely completing the observations of the teachers under my supervision, which were not yet due.

12. On April 11, 2020, Principal Delarosa copied me on an email informing me that she was taking away my duties regarding administration of the AP exams and giving it to a teacher at the school.
13. The other APs also have received extra monies for per session activities involving College Access for All that I was not invited to apply for. I have been excluded from the College Access for All program, which I have been involved with for many years.
14. Principal Delarosa also often has ridiculed and undermined me verbally and in writing via email, including with teachers and other colleagues.
15. Since filing that SDHR complaint, I have become subject to additional acts of retaliation by Principal Delarosa.
16. On or about July 16, 2020, I learned from an email sent accidentally to me by the UFT chapter leader about a meeting with the Safe Reopening Committee at my school. Principal Delarosa had left me out and excluded me from the Safe Reopening Committee meeting at the school scheduled for July 17, 2020, despite inviting the other two Assistant Principals and the programmer. Other faculty members who attended the meeting for the first time were invited, including a teacher in reserve who had just joined the school. Principal Delarosa excluded me from the committee but invited the two younger Assistant Principals.
17. On or about August 18, 2020, I learned that my office (Room 210) at the school was converted into an isolation room for suspected COVID-19 cases, and that all of my personal belongings were dispersed and placed in a closet and my desks placed in the school lobby. Rooms 308, the library and other spaces were available as indicated on an email sent by Principal Delarosa on September 23, 2020. Additionally, the two younger Assistant Principals each have offices they hardly use because they usually work out of Principal Delarosa's office, and even though on the system my name still appears.
18. In September 2020, despite my preference and many years teaching government and economics, Principal Delarosa took away my economics and government classes, and assigned a teacher who never taught the class and who is not majored in economics. I am the only teacher in the department majored in the subjects jointly. Her options to me was not teaching or teaching Civics to 9th and 10th graders. Presently I am not teaching any classes at all this year.
19. My name currently still appears on the College Board website as the AP and SAT coordinator. I am not doing that work, but a younger teacher who teaches AP classes is doing the work instead while I was stripped of these tasks.

20. During a mid-year “check-in” on February 1, 2021, Principal Delarosa asked me to visit teacher Ms. E.’s google classroom every Monday because of the number of failing students that the teacher had in her class. This is a violation of the teachers’ union and DOE collective bargaining agreement. Systematic visits are to be conducted only when a teacher is ineffective according to the agreement. This teacher was not ineffective. She recommended that I visit this teacher although I recommended visiting another teacher, Mr. T., who I identified for visitation and whom she calls “Chief of Staff”.
21. In Principal Delarosa’s evaluation in her mid-year report of me on February 1, 2021, she included data aligned to Regents exams. However, during the Covid-19 pandemic, all Regents exams have been cancelled. No supervisor or teacher was being evaluated otherwise at this time.
22. None of the decisions regarding the Departments I supervise are shared with me by administration. I find out about them at the same time as everyone else. For example, there was an additional Global History class being offered, and I supervise that department. On January 12, 2021, I found out that a teacher under my supervision, Ms. H., requested this class as a 7th class, and Principal Delarosa never shared her request with me. This teacher Ms. H. already had six classes which included two Economics classes I have been requesting to teach, but my request was never granted by Principal Delarosa. With the additional classes, this teacher had two classes above the maximum of five. For the two classes, the school had to pay extra money to the teacher. Principal Delarosa preferred paying additional money out of her budget than to give me the Economics classes.
23. On February 2, 2021, Principal Delarosa directed the 11th graders to address any issue regarding class orientation, to younger Assistant Principal Ms. Bharne, rather than me. Assistant Principal Bharne is in charge of the 12th grade, and I am in charge of the 11th grade.
24. On February 5, 2021, during a safety committee meeting, Principal Delarosa stated that people with accommodations should not be in the building. She also asked not to include this remark in the minutes. There were no students in the building at the time and I found out from my union that “Anybody with accommodations should not be treated differently”. I am the only administrator with accommodations working remotely this year. During this cabinet meeting while asking not to record on the minutes her request of not having employees with accommodations in the building, which should not matter when students or faculty are not in the school; the principal has allowed other faculty members with accommodations to report regularly without those accommodations being lifted. On April 19th during another cabinet meeting, Principal Delarosa asked the Assistant Principals and guidance counselor to use a book provided to us before Covid to accomplish an assigned task. I informed the principal that I had the book in the school but I did not know where my

things were anymore; she replied, “ I know where they are, but I will buy you the book and mail it to your house”.

25. On February 8, 2021, Principal Delarosa mentioned during a cabinet meeting that she had asked younger Assistant Principal Ms. Ventura to work with a teacher Ms. M. on a Spanish test administration. I am the supervisor of the Spanish Department. Ms. Ventura supervises Math. Principal Delarosa’s reasoning was “Ms. Ventura has the contacts”.
26. On February 23, 2021, during the Parent Association meeting, a parent complained about a teacher. This teacher is under my supervision. Principal Delarosa replied to the parent “Ms. X. is my personal friend; I will speak with her”. Two faculty members, her personal friend Ms. X. and her Chief of Staff Mr. T., do not provide basically anything work related I ask them. These two teachers whom the principal has alienated against me, do not even respond to my emails.
27. On March 2, 2021, younger teacher Ms. G. whom Principal Delarosa had given the SAT and AP Programs after taking them away from me, requested my help calling College Board to add names to the list of students taking the SAT that have accommodations. The College Board site has my name listed as the school’s contact, not Ms. G. This is a conflict of interest since Ms. G. cannot make the requests and teach an Advanced Placement class. Even though I am responsible for the position it has essentially been taken away from me and given to Ms. G. In contrast, Principal Delarosa has allowed younger Assistant Principal Ventura to continue to work with the teacher taking over Assistant Principal Ventura’s ELL testing responsibility until AP Ventura feels the new teacher can manage on their own. In my case, the principal just took over my College Board testing responsibilities by emailing the staff about who was in charge as of the beginning of the school year. Principal Delarosa never shared with me her decision. I found out at the same time as everybody else.
28. On March 3, 2021, during an Equity Team meeting, Principal Delarosa remarked how she has met with both younger Assistant Principals Ms. Bharné and Ms. Ventura to discuss Regents exams. Principal Delarosa does not shy away from mentioning in all meetings how she regularly meets with the younger Assistant Principals. She has only invited me to a single programming meeting on January 6, 2021.
29. If I communicate to the principal anything, but younger Assistant Principals communicate it as well, Principal Delarosa publicly acknowledges only the two younger Assistant Principals. She never mentions my name whatsoever. On March 5, 2021, I informed her of an incident regarding a stranger’s email regarding access to the school classes. Principal Delarosa sent an email to the entire school crediting younger Assistant Principal Ventura for her intervention but disregarded my intervention which was done first. It has become a norm.

On the same date, Principal Delarosa mentioned how she “brainstorms” with younger Assistant Principals Ms. Bharne and Ms. Ventura on a regular basis.

30. On March 8, 2021, Principal Delarosa sent an email to the faculty regarding purchasing furniture on their “wish list”. Principal Delarosa did not include me in the email.
31. On March 8, 2021, Principal Delarosa invited the younger Assistant Principals to a virtual meeting with the Chancellor. I was not included or had access to the meeting. When I found out about the meeting and asked her why I was not included, Principal Delarosa did not respond to me directly but instead emailed the information from a calendar. This manner of not responding to my questions or concerns is a common way of avoiding me. Principal Delarosa does not respond to me, as whenever I ask the principal something, she sends her responses to the entire faculty instead.
32. On March 19, 2021, I sent an email to Principal Delarosa in response to a previous email she sent to the staff regarding the purchase of furniture. The dates to purchase these items was extended to March 31, 2021. Since I do not have an office or furniture, I emailed the following: “Due to a health related absence, I just read this email. Can the office furniture order requested prior the lockdown be processed for the space I will be occupying in September?” Principal Delarosa responded as follows: “Unfortunately, all furniture orders were due March 12, 2021. Perhaps when the new 2021-2022 budget opens in July, we could revisit this order”. In the meantime, she purchased furniture for her office, and had already purchased for younger Assistant Principal Ms. Bharne. The dates had been extended almost a week after my request, but she refused to buy me furniture which I presently do not have.
33. Principal Delarosa informed me that Ms. H., one of the teachers under my supervision, had taken a leave of absence. I informed the Principal that I was willing and able to take over the two Economics classes this teacher was teaching. On April 5, 2021, Principal Delarosa emailed the Assistant Principals to let us know that she was taking over Ms. H.’s program. This is part of her email: “I recently purchased SAVVAS licenses for US History and will ask Mr. V. for curricula assistance (thank you Ms. Bharne for your assistance in setting up SAVVAS today). Ms. H. was already using SAVVAS for Economics with her two classes, therefore, it will continue that way, and if need be, I will ask Mr. T. for curricula assistance. In addition, I will be meeting with the students and Mr. H. on a weekly basis for summative assessments and updates.” I am the supervisor of the Department but she refused to ask me for assistance. Instead, she asked two of the teachers I supervise, including asking for curricula assistance to a teacher and not to me. I immediately emailed reminding the principal my availability to teach the classes. She did not reply.
34. On April 28, 2021, Principal Delarosa sent to the entire faculty and staff, an email where she shared meeting individually with both younger Assistant

Principals to discuss a report called RESI in preparation to a district visit May 5, 2021. Principal Delarosa did not meet with me but I am expected to attend the visit and do the same thing as the two other Assistant Principals.

35. On April 30, 2021, Principal Delarosa emailed me asking me to “observe” an ATR (Teacher on Reserve) who is not eligible for evaluative Danielson observations. Principal Delarosa asked me to conduct the “observation” due this teacher giving “NXs” to many students. This letters grade reflects failing. Principal Delarosa gave me a 4:00 pm deadline to “observe” the teacher. I conducted an asynchronous walkthrough instead and sent it to principal Delarosa. I tried six times to communicate with her and to get a feedback before sending it to the teacher. She waited until Monday May 3, 2021 to reply with a very top-down tone of voice by email telling me the feedback was incomplete and I did not meet her expectations. Even though I had done exactly what I have done and followed same procedures and form as I did with other teachers.
36. On April 30, 2021 Principal Delarosa sent an email to the ATR teacher, apologizing to the teacher for not receiving enough support from me. Although last semester Principal Delarosa told me not to worry about observing this teacher because he was not failing anyone.
37. Coincidentally, the ATR teacher informed me when I met with him on Monday May 3, 2020, that he had been sharing with Principal Delarosa the way he was going to teach the class, but I was never informed. I have provided support to the ATR teacher as needed. The ATR did not respond to my meetings requests during the entire school year leading to April 30th until I informed the ATR that I had questions regarding the curriculum he was following. The ATR was teaching a different curriculum with principal Delarosa’s blessings which I had been unaware of until our meeting. The ATR teacher does not respond to my requests to meet just like the two other teachers she calls her best friend and, her chief of staff. Principal Delarosa knew about the insubordination and only made a general comment at a meeting on May 3, 2021. Almost at the end of the school year. Additionally, after I replied to her email and indicated how frustrated I was about not meeting with Principal Delarosa, as the other younger assistant principals do. Principal Delarosa emailed me an invitation to a conference to address my email and performance. On the email principal Delarosa recommended to bring a union representative since the conference may lead to disciplinary action.
38. It is my understanding that Principal Delarosa has removed anything that remotely reminds her of me. She has made comments like “I am having serious problems with Ms. DeLaRosa” This has alienated me and placed me in a very awkward position with my peers.
39. Based on the above, I believe I have been and continue to be retaliated against by Principal Delarosa for filing my original SDHR complaint against her.

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Rosario M DeLaRosa**
223 Madison Avenue
Cresskill, NJ 07626

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2021-00243

Holly M. Shabazz,
State & Local Program Manager

(929) 506-5316

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission



Judy A. Keenan,
District Director

February 11 2021

(Date Issued)

Enclosures(s)

cc: **NYC DEPARTMENT OF EDUCATION**
Attn: Office of the General Counsel
52 Chambers Street
Room 308
New York, NY 10007

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Rosario M DeLaRosa**
223 Madison Avenue
Cresskill, NJ 07626

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2020-02826

Holly M. Shabazz,
State & Local Program Manager

(929) 506-5316**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

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Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission


February 11 2021

Enclosures(s)

Judy A. Keenan,
District Director

(Date Issued)

cc: **NYC DEPARTMENT OF EDUCATION**
Attn: Office of the General Counsel
52 Chambers Street
Room 308
New York, NY 10007

**New York State Division of Human Rights
Employment Complaint Form**

1. Your contact information:			
First Name <u>Rosario-Mireya</u>		Middle Initial/Name	
Last Name <u>DelaRosa</u>			
Street Address/ PO Box <u>223 Madison Avenue</u>		Apt or Floor #:	
City <u>Cresskill</u>	State <u>NJ</u>	Zip Code <u>07626</u>	
2. Regulated Areas: You believe you were discriminated against in the area of: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Employment (including paid internship) <input type="checkbox"/> Apprenticeship Training <input type="checkbox"/> Internship (unpaid only) <input type="checkbox"/> Volunteer Firefighting (excludes disability, age, domestic violence victim status, arrest, conviction, genetic history) </div> <div style="width: 48%;"> <input type="checkbox"/> Labor Organization <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Licensing </div> </div>			
3. You are filing a complaint against:			
Employer Name <u>New York City Department of Education/Gregorio Luperon for Science and Mathematics H.S.</u>			
Street Address/ PO Box <u>65 Court Street</u>			
City <u>Brooklyn</u>	State <u>NY</u>	Zip Code <u>11201</u>	
Telephone Number: <u>(212) 928-1202</u>			
In what county or borough did the violation take place? <u>New York County</u>			
Individual people who discriminated against you:			
Name: <u>Yencenia Cardoza-Delaraosa</u>		Title: <u>Principal</u>	
Name:		Title:	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on: <u>8</u> <u>18</u> <u>2020</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-3 <input type="checkbox"/> 4-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know			
6. Are you currently working for this company?			
<input checked="" type="checkbox"/> Yes. Date of hire: <u>09</u> <u>1997</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		What is your position? <u>Assistant Principal</u>	
<input type="checkbox"/> No. Last day of work: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		What was your position?	
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>		What position did you apply for?	

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input checked="" type="checkbox"/> Age: Date of Birth: <u>10/6/1957</u>	<input type="checkbox"/> Familial Status: Please specify: _____
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Marital Status: Please specify: _____
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic: Please specify: _____
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such: as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

☒ **Retaliation:** How did you oppose discrimination: Filed a previous SDHR Complaint

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Denied me an accommodation for my disability or pregnancy-related condition	<input type="checkbox"/> Denied me leave time or other benefits	<input checked="" type="checkbox"/> Harassed/ intimidated me (other than sexual harassment)
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Denied me overtime benefits	<input type="checkbox"/> Sexually harassed or intimidated me	<input type="checkbox"/> Did not call back after lay-off
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input checked="" type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Denied me services/treated differently by employment agency
<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Unlawful inquiry, or limitation, specification or discrimination in job advertisement
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Denied a license by a licensing agency	<input checked="" type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please see attached.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

PLEASE INITIAL

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Rosario-Huig-DeLeon
Sign your full legal name

Subscribed and sworn before me
This 19th day of October 2020

Rachel Badal
Signature of Notary Public

RACHEL BADAL
Notary Public, State of New York
No. 01846047597
Qualified in Kings County
Commission Exp. Feb 10 2023

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information

This page is for the Division's records and will remain confidential and will not be sent to the company or person(s) whom you are filing against.

1. Contact Information	
My primary telephone number: (917) 324-6410	My secondary telephone number:
My email address: rmgm6@prodigy.net	Date of birth: 10/6/1957
Contact person: <i>(Someone who does not live with you but will know how to contact you if the Division cannot reach you)</i> Name: Giselle M. Roig Telephone number: (201) 218-9717 Address: Email address: gmroig@gmail.com Relationship to me: Daughter	
2. Special Needs	
I am in need of: <input type="checkbox"/> Interpretation (if so what language?): <input type="checkbox"/> Accommodations for a disability: <input type="checkbox"/> Privacy. Keep my contact information confidential as I am a victim of domestic violence <input type="checkbox"/> Other:	
3. Settlement / Conciliation	
To settle this complaint, I would accept: <i>(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, your job back, lost wages, an end to the harassment, etc.?)</i> An end to the harassment and retaliation and emotional distress damages.	
4. Witnesses <i>(Information about witnesses may be shared with the parties as necessary for the investigation)</i>	
The following people saw or heard the discrimination and can act as witnesses:	
Name:	Title:
Telephone Number:	Relationship to me:
Name:	Title:
Telephone Number:	Relationship to me:
What did this person witness?	

5. Did you report or complain about the discrimination to someone else? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, how exactly did you complain about the discrimination? (To whom did you complain?) previous SDHR complaint filed			
Date you reported or complained about discrimination: <div style="float: right; text-align: right;"> month day year </div>			
What happened after you complained?			
If you did not report the discrimination, please explain why:			
6. Were other people treated the same as you? How? <i>(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).</i> <i>If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.</i>			
7. Were other people treated better than you? How? <i>(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).</i> <i>If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.</i> younger Assistant Principals			

**ADDENDUM TO SDHR COMPLAINT FOR ROSARIO DELAROSA @
10/9/20**

1. I have been employed by the NYCDOE since September 1997, originally as a social studies teacher and then as an Assistant Principal.
2. I have been an Assistant Principal since 2004 and became Assistant Principal at Gregorio Luperon High School in September 2005.
3. Principal Yecenia Delarosa became principal of the school on or about November 2016. She is presently about 47 years old.
4. I filed an original SDHR complaint based on age discrimination on or about April 24, 2020 against the NYCDOE and Principal Delarosa.
5. Since filing that SDHR complaint, I have become subject to additional acts of retaliation by Principal Delarosa.
6. On or about July 16, 2020, I learned from an email sent accidentally to me by the UFT chapter leader about a meeting with the Safe Reopening Committee at my school. Principal Delarosa had left me out and excluded me from the Safe Reopening Committee meeting at the school scheduled for July 17, 2020, despite inviting the other two Assistant Principals and the programmer. Other faculty members who attended the meeting for the first time were invited, including a teacher in reserve who had just joined the school. Principal Delarosa excluded me from the committee but invited the two younger Assistant Principals.
7. On or about August 18, 2020, I learned that my office (Room 210) at the school was converted into an isolation room for suspected COVID-19 cases, and that all of my personal belongings were dispersed and placed in a closet and my desks placed in the school lobby. Rooms 308, the library and other spaces were available as indicated on an email sent by Principal Delarosa on September 23, 2020. Additionally, the two younger Assistant Principals each have offices they hardly use because they usually work out of Principal Delarosa's office.
8. In September 2020, despite my preference and many years teaching government and economics, Principal Delarosa took away my economics and government classes, and assigned a teacher who never taught the class and who is not majored in economics. I am the only teacher in the department majored in the subjects jointly. Her options to me was not teaching or teaching Civics to 9th and 10th graders. Presently I am not teaching any classes at all this year.
9. Based on the above, I believe I have been and continue to be retaliated against by Principal Delarosa for filing my original SDHR complaint against her.

**New York State Division of Human Rights
Employment Complaint Form**

1. Your contact information:			
First Name Rosario		Middle Initial/Name Mireya	
Last Name DeLaRosa			
Street Address/ PO Box 223 Madison Avenue		Apt or Floor #:	
City Cresskill	State NJ	Zip Code 07626	
2. Regulated Areas: You believe you were discriminated against in the area of: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Employment (including paid internship) <input type="checkbox"/> Apprentice Training <input type="checkbox"/> Internship (unpaid only) <input type="checkbox"/> Volunteer Firefighting (excludes disability, age, domestic violence victim status, arrest, conviction, genetic history) </div> <div style="width: 48%;"> <input type="checkbox"/> Labor Organization <input type="checkbox"/> Employment Agencies <input type="checkbox"/> Licensing </div> </div>			
3. You are filing a complaint against:			
Employer Name New York City Department of Education/ Gregorio Luperon High School for Science and Math			
Street Address/ PO Box 501 West 165th Street			
City New York	State NY	Zip Code 10032	
Telephone Number: (212) 928-1202			
In what county or borough did the violation take place? New York County			
Individual people who discriminated against you:			
Name: Yecenia Cardoza Delarosa		Title: Principal	
Name:		Title:	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on:			
month day year			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-3	<input type="checkbox"/> 4-14	<input type="checkbox"/> 15-19	<input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know
6. Are you currently working for this company?			
<input checked="" type="checkbox"/> Yes. Date of hire: 9 1997		What is your position?	
month day year		Assistant Principal (since 2004)	
<input type="checkbox"/> No. Last day of work:		What was your position?	
month day year			
<input type="checkbox"/> I was never hired.		What position did you apply for?	
Date of application: month day year			

7. Basis of alleged discrimination: Check ONLY the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.			
<input checked="" type="checkbox"/> Age: Date of Birth: <u>10/6/1957</u>		<input type="checkbox"/> Familial Status: Please specify: _____	
<input type="checkbox"/> Arrest Record		<input type="checkbox"/> Marital Status: Please specify: _____	
<input type="checkbox"/> Conviction Record		<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran	
<input type="checkbox"/> Creed/ Religion: Please specify: _____		<input type="checkbox"/> National Origin: Please specify: _____	
<input type="checkbox"/> Disability: Please specify: _____		<input type="checkbox"/> Predisposing Genetic Characteristic: Please specify: _____	
<input type="checkbox"/> Domestic Violence Victim Status		<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____	
<input type="checkbox"/> Gender Identity or Expression, including the Status of Being Transgender		<input type="checkbox"/> Sexual Orientation: Please specify: _____	
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle		<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:			
<input type="checkbox"/> Retaliation: How did you oppose discrimination: _____			
8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply			
<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Denied me an accommodation for my disability or pregnancy-related condition	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Harassed/ intimidated me (other than sexual harassment)
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Denied me overtime benefits	<input type="checkbox"/> Sexually harassed or intimidated me	<input type="checkbox"/> Did not call back after lay-off
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Denied me services/treated differently by employment agency
<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Unlawful inquiry, or limitation, specification or discrimination in job advertisement
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Denied a license by a licensing agency	<input type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please see attached.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

PLEASE INITIAL

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Rosario-Uribe Delatorre
Sign your full legal name

Subscribed and sworn before me
This 24th day of April, 2020

Rachel Badal
Signature of Notary Public

County: Commission expires:

 23

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information

This page is for the Division's records and will remain confidential and will not be sent to the company or person(s) whom you are filing against.

1. Contact Information	
My primary telephone number: (917) 324 - 6410	My secondary telephone number:
My email address: rmgm6@prodigy.net	Date of birth: 10/5/1957
Contact person: <i>(Someone who does not live with you but will know how to contact you if the Division cannot reach you)</i> Name: Giselle M. Roig Telephone number: (201) 218 - 9717 Address: Email address: gmroig@gmail.com Relationship to me: Daughter	
2. Special Needs	
I am in need of: <input type="checkbox"/> Interpretation (if so what language?): <input type="checkbox"/> Accommodations for a disability: <input type="checkbox"/> Privacy. Keep my contact information confidential as I am a victim of domestic violence <input type="checkbox"/> Other:	
3. Settlement / Conciliation	
To settle this complaint, I would accept: <i>(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, your job back, lost wages, an end to the harassment, etc.?)</i> An end to the harassment and emotional distress damages.	
4. Witnesses <i>(information about witnesses may be shared with the parties as necessary for the investigation)</i>	
The following people saw or heard the discrimination and can act as witnesses:	
Name:	Title:
Telephone Number:	Relationship to me:
Name:	Title:
Telephone Number:	Relationship to me:
What did this person witness?	

5. Did you report or complain about the discrimination to someone else? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, how exactly did you complain about the discrimination? (To whom did you complain?)			
Date you reported or complained about discrimination:			
	month	day	year
What happened after you complained?			
If you did not report the discrimination, please explain why:			
6. Were other people treated the same as you? How? <i>(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).</i> <i>If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.</i>			
7. Were other people treated better than you? How? <i>(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).</i> <i>If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.</i> Younger Assistant Principals at the school Bhame and Ventura.			

**ADDENDUM TO SDHR COMPLAINT FOR ROSARIO DELAROSA
@4/23/20**

1. I have been employed by the NYCDOE since September 1997, originally as a social studies teacher and then as an Assistant Principal.
2. I have been an Assistant Principal since 2004 and became Assistant Principal at Gregorio Luperon High School in September 2005.
3. Principal Delarosa became principal of the school on or about November 2016. She is presently about 47 years old.
4. I am presently 62 years old.
5. There are presently two other younger Assistant Principals at the school, who are both less than 40 years old--Ms. Jaya Bharne and Ms. Ambar Ventura.
6. Since 2017, Principal Delarosa has been harassing me with insulting emails and text messages.
7. Since September 2018, Principal Delarosa took away my supervisory responsibilities over the math department, the physical education department, and the music and art departments. She also took away the robotics program from me. She only left me supervision over eight teachers at the school.
8. In August 2019, Principal Delarosa took away my College Board supervisory responsibilities and only left me to administer the AP exams and the PSAT exam.
9. On December 11, 2019, Principal Delarosa sent me a letter accusing me of slander, abusing my administrative powers and referred me to a therapist. She also accused me of using the school's cameras to check on teachers, which I did not do, and of being responsible for allowing an intruder into the school building.
10. During the first parents association meeting, she introduced "her team" to the parents, I was present at the meeting but did not include me as part of her team. During a month period she did not talk to me at all, even when I addressed her.
11. On April 9, 2020, Principal Delarosa sent me a threatening email accusing me of not timely completing the observations of the teachers under my supervision, which were not yet due.
12. On April 11, 2020, Principal Delarosa copied me on an email informing me that she was taking away my duties regarding administration of the AP exams and giving it to a teacher at the school.

- 13. The other APs also have received extra monies for per session activities involving College Access for All that I was not invited to apply for. I have been excluded from the College Access for All program, which I have been involved with for many years.**
- 14. Principal Delarosa also often has ridiculed and undermined me verbally and in writing via email, including with teachers and other colleagues.**